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Section II. Remarks

Addition of New Product Claims 52-53 Coextensive with the Reasons for Allowance

In the January 11, 2005 Notice of Allowability, the Examiner stated the Reasons for Allowance as "the prior art of record fails to teach or fairly disclose a CMP slurry having specifically an abrasive that consists essentially of organic polymer and is free from a heteropolyacid" (see the Notice of Allowability, page 2, first paragraph).

Applicants have correspondingly added new claims 52 and 53.

Claim 52, from which claim 53 depends, is coextensive in scope with the Examiner's reasons for allowance. Therefore, both claims 52 and 53 are allowable.

Addition of New Method-of-Using Claims 54-59

In the June 18, 2003 Office Action, the Examiner imposed a restriction requirement between the product claims 1-49 and the method-of-using claim 50. Applicants elected with traverse the product claims 1-49, and the non-elected claim 50 was subsequently cancelled in response to such restriction requirement.

MPEP §821.04 expressly provides that:

"Where the application as originally filed discloses the product and the process for making and/or using the product, and only claims directed to the product are presented for examination, when a product claim is found allowable, applicant may present claims directed to the process of making and/or using the patentable product by way of amendment pursuant to 37 CFR 1.121.... Amendments submitted after allowance are governed by 37 CFR 1.312. Process claims which depend from or otherwise include all the limitations of an allowed product claim and which meet the requirements of 35 U.S.C. 101, 102, 103, and 112 may be entered."

Consistent with such provision by MPEP §821.04, Applicants have hereby added new claims 54-59, which depend respectively from the allowable product claims 1, 51, and 52 and are directed to the process of using the patentable products recited by such product claims.

Applicants hereby request the Examiner to enter and rejoin such newly added method-of-using claims 54-59 with the allowed product claims 1, 3-21, 23-34, 43-49 and 51, consistent with the rejoinder provision of the MPEP (§821.04).

Payment of Fees

The Office is hereby authorized to charge \$600.00 for addition of new claims 52-59 (including \$200.00 for addition of one new independent claim and \$400.00 for addition of eight new claims in total) to the credit card specified in the Credit Card Payment Form enclosed herewith.

CONCLUSION

Applicants respectfully request the Examiner to enter the amendments of claims as proposed hereinabove.

The Office is hereby authorized to charge any additional fee or credit any overpayment in connection with the entry of this Amendment to Deposit Account No. 08-3284 of Intellectual Property/Technology Law.

In the event that any issues remain outstanding, incident to the formal allowance of this application, please contact the undersigned attorney at (919) 419-9350 to discuss their resolution, so that this application may be passed to issue at an early date.

Respectfully submitted,



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